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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/674,023

09/29/2003

David W. Pedlar

1578.620

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54120

7590

06/29/2009

RESEARCH IN MOTION
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EXAMINER

CASCA, FRED A

ART UNIT

PAPER NUMBER

2617

NOTIFICATION DATE

DELIVERY MODE

06/29/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

portfolioprossecution@rim.com

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/674,023 | PEDLAR ET AL. | |
| | Examiner | Art Unit | |
| | FRED A. CASCA | 2617 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed April 02, 2009 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-4, and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (US 2003/0231612 A1), in view of TSG-RAN Working Group 2 – TSGR#2(99)181 (hereafter TSG#2(99)181).

Referring to claim 1, Kim discloses a method of performing a cell update during a reconfiguration procedure in a user equipment, the user equipment configured for use in a communications system (Figures 2-3 and abstract), the method comprising:

receiving, at the user equipment, a reconfiguration command from the communications system (Fig. 2 and Par. 57, lines 3-13),

the reconfiguration command including an activation time at which a reconfiguration is to be applied (Par. 57-59, note that the reconfiguration process inherently includes an activation time);

detecting, at the user equipment, a trigger event which indicates that a cell update is required (Par. 59, lines 4-7, "moving from the existing cell to a neighboring cell"); and

Kim does not specifically disclose delaying initiation of the cell update until the reconfiguration has been applied.

Examiner notes that delaying initiation of the cell update until the reconfiguration has been applied is a well known cell update process in 3GPP system as TSGR#2(99)181 discloses this concept (page 1-4, particularly page 3, "The cell update procedure is used by the UE to inform the UTRAN that the UE has switched to a new cell. The procedure is a forward handover procedure . . . the procedure is triggered after change of cell and after the UE has read information broadcasted by UTRAN").

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the method of Kim as claimed by applicant by incorporating the teachings of TSGR#2(99)181, and consequently providing delaying initiation of the cell update until the

reconfiguration has been applied, for the purpose of providing an efficient cell-selection procedure.

Claims 3, 6 and 8 recite features analogous to the features of claim 1, thus the combination of Kim/TSGR#2(99)181 discloses all elements of claims 3, 6 and 8.

Referring to claims 4 and 9, the combinations of Kim/TSGR#2(99)181 disclose methods according to claims 1 and 3, and further disclose user equipment configured to communicate with a UTRAN in a UMTS communications system, comprising suppressing the cell update depending on the relevance of the trigger event to the UTRAN after reconfiguration (Kim, paragraph 6, 27, 75, and TSGR#2(99)181 pages 1-3, note that suppressing the cell update is the delaying process which delays the initiation of the cell update until the reconfiguration has applied, as rejected in claim 1 above (please rejection of claim 1).

Referring to claim 7, the combinations of Kim/TSGR#2(99)181 disclose a user equipment according to claim 6, and further disclose a timer arranged to cooperate with the controller for delaying initiation of the cell update (TSGR#2(99)181, pages 1-3).

4. Claims 2, 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (US 2003/0231612 A1), in view of TSG-RAN Working Group 2 – TSGR#2(99)181 (hereafter TSG#2(99)181) and still further in view of well known prior art (MPEP 2144.03).

Referring to claim 2, the combinations of Longoni/TSGR#2(99)181 disclose the method according to claim 1.

The combinations do not specifically disclose activation time has the value 'Now', applying the reconfiguration as soon as the user equipment is able to do so.

The examiner takes official notice of the fact that activating a cellular equipment as soon as possible after a cell-updating is well known in the art.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the combinations by incorporating the well known concepts of prior art for the purpose of providing a better service to cell phone users.

Referring to claims 5 and 10, the combinations of Longoni/TSGR#2(99)181 discloses a method according to claims 4 and 9.

The combinations do not specifically disclose suppressing the cell update when the trigger event comprises a radio link failure.

The examiner takes official notice of the fact that suppressing or disabling a cell update during movement of a cellular phone from a current cell to an adjacent cell is well-known in the art.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the methods of claims 4 and 9 by incorporating the concepts of prior art for the purpose of preventing packet loss during the link failure.

Response to Arguments

5. Applicant's arguments filed on April 02, 2009 have been fully considered but moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Harper, can be reached at (571) 272-7605. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/VINCENT P. HARPER/

Supervisory Patent Examiner, Art Unit 2617